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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,958	02/26/2002	David C. Loda	02-179	5005
7590	09/20/2005			EXAMINER BENGZON, GREG C
Barry L. Kelmachter BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802			ART UNIT 2144	PAPER NUMBER
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/082,958	LODA, DAVID C.
<b>Examiner</b>	<b>Art Unit</b>	
Greg Bengzon	2144	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 July 2005.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-19 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 July 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

This application has been examined. Claims 1-19 are pending.

### ***Priority***

The effective date of the Claims described in this application is February 26, 2002.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 recites 'a movable platform'. The Examiner notes that said limitation may cause undue confusion or misinterpretation. The Applicant Specifications define said platform to be any entity that is movable. (Applicant Specifications Page 4)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (US Patent 6449103) in view of Pugliese et al. (US Publication 20010044751), hereinafter referred to as Pugliese.

Charles substantially disclosed the features of the invention described in the claims below.

With respect to Claim 1 Charles disclosed (Charles - original) An integrated system comprising: (Charles - Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) a portal (Charles - Figure 178, Item 178L); at least one wireless local area network in communication with a server (Charles - Figure 178-179, Items 179e) ; at least one mobile platform in wireless communication with said at least one wireless local area network; (Charles - Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15)

The Examiner interprets the portal to be a computer that is enabled to view visual data via a web site concurrently with a web-based community of users. (Applicant Specifications Page 6)

Charles disclosed a portal as embodied by a computer connected to the Internet for presenting visual data to the user(s). (Charles – Column 60 Lines 1-15) However Charles does not disclose certain features of the invention, such as using a server hosting a website, such that users are able to access visual data via a web page. While Charles disclosed of using control means for games and robotic devices, interactive input devices and goggles in conjunction with the remote visual device, Charles does not disclose of operating the visual device via a website. While Charles was concerned with the distribution and display of video data over the Internet, (Charles – Column 7 Lines 15-20) Charles would have been motivated to look for other disclosures regarding remote viewing and observing of subject matter (Charles – Column 7 Lines 15-20, Lines 33-36) via Internet, such as Pugliese.

Pugliese disclosed an online shopping portal that allows registered users and merchants to communicate via an interactive video communication system via a website. Pugliese disclosed of users being able to remotely operate the video camera in order to view products from the merchant store.

Pugliese disclosed a server communicating with said portal and a means for enabling two-way communications between said portal and said server. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles and Pugliese are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data via a remote visual device. At the time of the invention it would have been obvious to combine the teachings of Pugliese regarding website portals that host interactive video communications into the method and apparatus of Charles. The said combination would enable the method and apparatus of Pugliese to manage an Internet website for coordinating viewing of the visual data, and to allow users to remote operate the visual device by issuing commands via said website. The suggested motivation for doing so would have been, as Pugliese suggests (Pugliese - Paragraph 6), so that users at the remote site may be able to hold interactive sessions with and obtain input from knowledge experts at other remote sites.

The combination of Charles and Pugliese disclosed Claim 2 - The integrated system of claim 1 wherein said portal may be accessed by at least one mobile device in communication with said portal. (Charles - Figure 180 Item 180a, Column 58 Lines 15-35)

The combination of Charles and Pugliese disclosed Claim 3 - The integrated system of claim 1 wherein said at least one local area network is physically integrated with said server. (Charles - Figure 179c)

The combination of Charles and Pugliese disclosed Claim 4 - The integrated system of claim 1 wherein said at least one local area network is in wireless communication with said server. (Charles - Figure 179, Column 16 Lines 1-15)

The combination of Charles and Pugliese disclosed Claim 5 - The integrated system of claim 2, wherein said at least one mobile device comprises a PC tablet. (Charles - Figure 178)

The combination of Charles and Pugliese disclosed Claim 6 - The integrated system of claim 1, further comprising a borescope and said borescope being in communication with a mobile device. (Charles - Figure 64, Figure 137, Figure 177i, Column 16 Lines 1-15, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

The combination of Charles and Pugliese disclosed Claim 7 - The integrated system of claim 6, wherein said borescope communicates with said mobile device via a data feed wire. (Charles - Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

The combination of Charles and Pugliese disclosed Claim 8 - The integrated system of claim7, wherein said mobile device comprises at least one USB port for receiving said data feed wire. (Charles - Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

The combination of Charles and Pugliese disclosed Claim 9 - The integrated system of claim 2, further comprising a visual data device in communication with said at least one mobile device. (Charles - Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

The combination of Charles and Pugliese disclosed Claim 10 - The integrated system of claim 19, wherein said stereographic viewing system comprises a stereo image lens in communication with said at least one mobile device. (Charles - Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

The combination of Charles and Pugliese disclosed Claim 11 - The integrated system of claim 10, wherein said at least one mobile device comprises at least one USB port for receiving data from said stereo image lens. (Charles - Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

The combination of Charles and Pugliese disclosed Claim 12 - The integrated system of claim 1, wherein said server is addressable by a unique IP address and wherein said server hosts at least one web page. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166, Paragraph 268)

The combination of Charles and Pugliese disclosed Claim 13 - The integrated system of claim 1, wherein said server is located on said at least one mobile platform. (Charles - Figure 179, Items 179t, 179r, Column 47 Lines 20-30, Column 59 Lines 5-25, Column 60 Lines 1-15)

The combination of Charles and Pugliese disclosed Claim 14 - A method for providing remote, interactive visual analysis of an apparatus, (Charles - Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) comprising the steps of: providing a portal, said portal in communication with at least one electronic device (Charles - Figure 178, Item 178L); integrating said server into a wireless local area network; (Charles - Figure 178-179, Items 179e) connecting at least one mobile platform to said local area network; providing visual data from at least one visual device to said at least one mobile platform; and receiving said visual data at said at least one electronic device. (Charles - Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50) ; providing a server two-way communication with said portal via the internet. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

The combination of Charles and Pugliese disclosed Claim 15 - The method of claim 14 comprising the additional step of issuing control commands to said at least one visual device from said at least one electronic device. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

The combination of Charles and Pugliese disclosed Claim 16 - The method of claim 15, wherein said control commands are issued response to receiving said visual data by said at least one electronic device. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

The combination of Charles and Pugliese disclosed Claim 17 - The method of claim 16, further comprising altering an orientation of said visual device in accordance with said control commands. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

The combination of Charles and Pugliese disclosed Claim 18 - The method of claim 14, wherein said receiving of said visual data is limited by a community affiliation of said one or more electronic devices. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

The combination of Charles and Pugliese disclosed Claim 19 - The integrated system of claim wherein said visual data device comprises a stereographic viewing system. (Charles - Column 30 Lines 10-15, Column 54 Lines 25-50)

***Response to Arguments***

Applicant's arguments filed 07/29/2005 have been fully considered but they are not persuasive.

The Examiner objections to the Drawings are withdrawn.

The rejections based on 35 USC 112 1<sup>st</sup> Paragraph are withdrawn.

The rejections for Claims 1 and 14 based on 35 USC 112 2<sup>nd</sup> Paragraph are withdrawn.

The Applicant presents the following argument(s) [in italics]:

*'....Charles and Pugliese lack the requisite motivation to combine with each other to teach all of the elements of Applicants amended claims 1 and 14.'*

*'One of ordinary skill in the art upon reading the Charles reference would not suddenly seek out the Pugliese et al. reference because Charles did not provide any teaching, suggestion or motivation with respect to online shopping.'*

The Examiner respectfully disagrees with the Applicant. Charles was concerned with the distribution and display of video data over the Internet (Charles – Column 7 Lines 15-20) to groups of users (Charles – Column 7 Lines 14). Charles would have been motivated to look for other disclosures regarding remote viewing and observing of subject matter (Charles – Column 7 Lines 15-20, Lines 33-36) via Internet, such as Pugliese. The process of online shopping commonly involves viewing and observing subject matter via the Internet. Thus Charles would have been motivated to implement the teachings of Pugliese in order to facilitate viewing and observing subject matter via the Internet.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

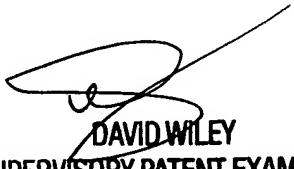
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100